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Attorneys for Defendant  
LVNV Funding, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VERONICA CHICO,

**Plaintiff,**

vs.

## LVNV FUNDING LLC,

**Defendant.**

Case No.: 3:16-cv-01995

[Removal From The Superior Court Of California For The County Of San Mateo, Case No. CLJ537262]

**DEFENDANT LNV FUNDING,  
LLC'S NOTICE OF REMOVAL  
PURSUANT TO 28 U.S.C. §§ 1331,  
1441(C), AND 1446**

## [FEDERAL QUESTION]

1                   **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR**  
2                   **THE NORTHERN DISTRICT OF CALIFORNIA:**

3                   **PLEASE TAKE NOTICE** that Defendant LVNV Funding, LLC  
4 (“Defendant”) hereby removes the action described below from the Superior Court of  
5 California for the County of San Mateo, to the United States District Court for the  
6 Central District of California, pursuant to Sections 1331, 1441(c), and 1446 of Title  
7 28 of the United States Code (“U.S.C.”). As set forth more fully below, this case is  
8 properly removed to this Court pursuant to 28 U.S.C. § 1441 because Defendant has  
9 satisfied the procedural requirements for removal and this Court has subject matter  
10 jurisdiction over this action pursuant to 28 U.S.C. § 1331. In support of this Notice of  
11 Removal, Defendant states as follows:

12                  **I. THIS COURT HAS SUBJECT MATTER JURISDICTION PURSUANT**  
13                  **TO 28 U.S.C. SECTIONS 1331 AND 1441**

14                  On or about February 4, 2016, plaintiff Veronica Chico (“Plaintiff”) filed a  
15 Complaint in the Superior Court of California for the County of San Mateo (“Superior  
16 Court”), entitled *Veronica Chico v. LVNV Funding, LLC*, Case No. CLJ537262. In  
17 the Complaint, Plaintiff alleges, among other things, that Defendant filed a lawsuit to  
18 garnish Plaintiff’s wages around March 10, 2015, and Plaintiff was not served with a  
19 summons. Complaint, ¶¶ 5-6. Based on these allegations, Plaintiff asserts two causes  
20 of action against Defendant: (1) violation of the Rosenthal Fair Debt Collection  
21 Practices Act (“RFDCPA”), Cal. Civ. Code § 1788 *et seq.* and (2) violation of the Fair  
22 Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.* The Complaint is  
23 attached hereto as **Exhibit A**, as required by 28 U.S.C. § 1446(a).

24                  Because this action arises under federal law (the FDCPA), which can be  
25 ascertained from the face of Plaintiff’s Complaint, this Court has original jurisdiction  
26 pursuant to 28 U.S.C. § 1331. Further, this Court has supplemental jurisdiction over

1 Plaintiff's state law claim (the RFDCPA), which forms part of the "same case or  
2 controversy" pursuant to 28 U.S.C. § 1337(a). Specifically, like Plaintiff's FDCPA  
3 claim, Plaintiff's RFDCPA claim also alleges that Defendant improperly attempted to  
4 garnish Plaintiff's wages. Complaint, ¶¶ 5-6, 14-16. Accordingly, this action may be  
5 removed to this Court pursuant to 28 U.S.C. § 1441.

6 **II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE  
7 SATISFIED**

8 On or about February 4, 2016, Plaintiff filed this action in the Superior Court of  
9 California for the County of San Mateo. Defendant was served with the Complaint on  
10 March 17, 2016. This Notice of Removal is timely in that it was filed within 30 days  
11 from the time Defendant had notice that the action was removable, and less than a  
12 year after the commencement of the action. *See* 28 U.S.C. § 1446(b).

13 The Superior Court of California for the County of San Mateo is located within  
14 the United States District Court for the Northern District of California, Western  
15 Division. *See* 28 U.S.C. § 84(a). Thus, venue is proper in this Court because it is the  
16 "district and division embracing the place where such action is pending." 28 U.S.C. §  
17 1441(a).

18 In compliance with 28 U.S.C. § 1446(d), Defendant will serve on Plaintiff and  
19 file with the Clerk of the Superior Court a written notice of the filing of this Notice of  
20 Removal, attaching a copy of this Notice of Removal.

21 No previous application has been made for the relief requested herein.

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1 WHEREFORE, Defendant respectfully removes this action from the Superior  
2 Court of California for the County of San Mateo to this Court pursuant to 28 U.S.C.  
3 §§ 1331, 1441 and 1446.

4 DATED: April 15, 2016.

5 YU | MOHANDESI LLP

6

7 By /s/ Brett B. Goodman

8 B. Ben Mohanedi  
9 Jordan S. Yu  
10 Brett B. Goodman  
11 Attorneys for Defendant  
12 LVNV Funding, LLC

## **PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Yu | Mohandesu LLP, 633 West Fifth Street, Suite 2800, Los Angeles, CA 90071. On April 15, 2016, I served the following document(s) by the method indicated below:

**DEFENDANT LVNV FUNDING, LLC'S NOTICE OF REMOVAL PURSUANT  
TO 28 U.S.C. §§ 1331, 1441(C), AND 1446**

- |   |  |
|---|--|
|   | by transmitting via facsimile on this date the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. Service by fax was ordered by the Court.  |
| X | by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. |
|   | by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below.   |
|   | by having the document(s) listed above hand-delivered to the person(s) at the address(es) set forth below.   |
|   | by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business to the address(es) set forth below.  |
|   | by emailing the document(s) listed above to the person(s) at the address(es) set forth below.  |

*Plaintiff's Counsel*

Todd M. Friedman  
Adrian R. Bacon  
Law Offices of Todd M. Friedman, P.C.  
324 S. Beverly Dr. #725  
Beverly Hills, CA 90212

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on April 15, 2016, at Los Angeles County, California.

Diana Ch.

Diana Choe